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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER KIM, JUNG W				
ART UNIT 2432		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/772,031

Applicant(s)

RISAN ET AL.

Examiner

JUNG KIM

Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-31 are pending.
2. This Office action is in response to the amendment filed on 3/23/09.

Response to Amendment

3. After further review of the 101 rejection of claims 23-31 as outlined in the non-final rejection mailed on 12/23/08, the 101 rejections are withdrawn based on the claims recited in the amendment mailed on 10/3/08. This rejection was incorrect because a system claim defining "means for" limitations necessarily incorporates structural equivalents as defined in the Specification into the features of the claims.
4. However, applicant's current amendment of claim 23 renders the claims indefinite. Claim 23 defines that the instruction comprises: means for registering ..., means for validating ..., etc. Hence, the claim suggests that the instruction comprises hardware elements, which is contrary to the plain meaning of an executable "instruction." It is recommended that claim 23 be revised back to the version of the claim as listed in the 10/3/08 amendment to overcome this 112 rejection.

Response to Arguments

5. Applicant's indication for support of the term "bad boy list" on pg. 8 of the Remarks is noted.

6. Applicant's arguments with respect to the 112/2nd paragraph rejection for the use of the trademark "Macintosh" has been fully considered but they are not persuasive. As stated in MPEP 2173.05(u): "If the trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of the 35 U.S.C. 112, second paragraph. Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product." In Applicant's claims, the trademark "Macintosh" is clearly used in the claim as a limitation to identify a particular product, i.e. a Macintosh operating system. Applicant's specification further supports this interpretation. On pgs. 139-148 of the Specification, Applicant provides a description of one embodiment of the invention implemented on a Macintosh Operating System. In particular, Applicant defines the Macintosh operating system as including a multimedia component such as Quicktime, iTunes player, or the like (pg. 146), and a process by which the Macintosh operating system receives incoming media from a source:

pass[ing] the data to the carbon framework 2022 or directly to the audio framework 2045 (audio HAL) for playback to the currently selected output device. The Audio HAL 2045 will transfer the audio data across the user 2080/kernel 290 boundary, adding it into the IOAudioStream mix buffers. (pg. 140)

7. This description suggests that the term "Macintosh Operating System" is directed to a particular material or product, rather than identifying merely a source of goods. Finally, this interpretation is further supported by the fact that Applicant for the duration

of the prosecution has treated "Macintosh Operating System" as a feature having a definite claim scope.

8. Applicant further points to the Office action on pgs. 18, lines 1-4, mailed on 12/23/08, which states "[a]t the time of invention, Windows operating systems, Mac operating systems and Linux operating systems were the predominant types of Operating systems," as additional support that the limitation "Macintosh Operating System" has a fixed and definite meaning. This argument is not persuasive because the Office encourages compact prosecution: i.e. errors under 101 and 112 are placed aside for the purpose of determining whether claims are novel or obvious in light of the prior art of record. Ascertaining claim scope under 102 and 103 is not an exact science, but rather, the claims are given their broadest reasonable meaning.

9. Applicant's additional argument that the use of the term "Macintosh" as claim limitations in prior-issued patents is suggestive of a definite meaning in the art is not a sufficient argument that "Macintosh operating system" has a fixed meaning. Merely because prior issued patents claim certain features or limitations does not establish the practice as a correct one. For example, there are thousands of patented claims defining digital signals, none of which today are considered valid claims.

10. For these reasons, the 112/2nd paragraph rejections are sustained.

11. With respect to the prior art rejections, on pgs. 10-15 of the Remarks, Applicants argue that Doherty teaches away from the claimed features because Doherty suggests a mechanism that is related to a program. See in particular, pg. 11, 2nd and 3rd

paragraph. However, Applicant's claimed invention does not exclude this type of mechanism, i.e. a compliance mechanism that is related to a program. In fact, the invention of Doherty discloses a License Functions Mechanism (col. 10:24-65), which for all intents and purposes is a compliance mechanism having stand alone functionality and operation on a given client system. For these reasons the claims remain rejected under the prior art of record.

Claim Rejections - 35 USC § 112

12. As per claims 1-31, the presence of the trademark "Macintosh" is not proper under 35 U.S.C. 112, second paragraph (see MPEP 2173.05(u)).

7. The trademark "Macintosh" is used in the claim as a limitation to identify or describe a particular material or product (Macintosh operating system); hence the claim does not comply with the requirements of the 35 U.S.C. 112, second paragraph. Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982).

13. Claim 23 is rejected under 112/2nd paragraph as being indefinite. Claim 23 defines that the instruction comprises: means for registering ..., means for validating ..., etc. Hence, the claim suggests that the instruction comprises hardware elements, which is contrary to the plain meaning of an executable "instruction." It is recommended that claim 23 be revised back to the version of the claim as listed in the 10/3/08 amendment to overcome this 112 rejection.

Claim Rejections - 35 USC § 103

14. Claims 1-3 and 6, 7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doherty et al. US 6920567 (hereinafter Doherty).
15. As per claims 1-3, 6-7 and 9-11, Doherty discloses a method for preventing unauthorized recording of media content on an operating system comprising:
- a. registering a compliance mechanism on a client system having said operating system operating thereon, said compliance mechanism providing stand alone functionality and operation on said client system (col. 10:24-11:20; 14:44-59; 15:55-20:29, LicMech implemented as Executable DCF or Data DCF), said compliance mechanism comprising: a framework for validating said compliance mechanism on said client system (11:20-35, eLicense is System Locked; 13:59-14:16, "License checks"; 24:37-26:4, "Adaptive Fingerprint Security Mechanism"); and a multimedia component opened by said framework, said multimedia component for decrypting said media content on said client system; (10:37-38; 17:18-23 and lines 55-62; 19:55-20:3) and preventing decryption of said media content on said client system having said operating system operating thereon if a portion of said compliance mechanism is invalidated (14:1-6; 19:62-20:3, intercepts file I/O call by monitoring utility);
 - b. a valid kernel level extension providing kernel level driver information to said framework; wherein when an invalid kernel level extension is recognized said framework directs said valid kernel level extension to selectively restrict

output of said media content; wherein said valid kernel level extension matches no physical device on the client system (19:55-67);

- c. wherein said framework accesses a network to ensure that said components of the compliance mechanism are up to date (13:7-15, "DeLMM");
- d. wherein the framework establishes a monitoring thread which maintains a constant search for output devices. (11:21-36 and lines 46-54; 24:37-26:4, Adaptive Fingerprint)
- e. wherein said multimedia component is a media rendering or processing application (14:60-15:11);
- f. wherein said media content is received from a source coupled with said client system, said source is from the group consisting of: a network, a personal communication device, a satellite radio feed, a cable television radio input, a set-top box, an media device, a media storage device, a media storage device inserted in a media device player, a media player application, and a media recorder application (12:35-60, "Distributor System");
- g. altering said compliance mechanism in response to a change in a usage restriction, said usage restriction comprising a copyright restriction or licensing agreement applicable to said media content. (13:10-15; 14:13-23)

Although Doherty does not expressly disclose the type of operating system, it would be obvious to one of ordinary skill in the art for the operating system of Doherty to be one of the Macintosh operating systems available at the time of invention because of the ubiquity of Mac operating systems at the time the invention was made. At the time of

invention, Windows operating systems, Mac operating systems and Linux operating systems were the predominate types of Operating systems. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the operating system in Doherty to be any one of the Macintosh operating systems available at the time of invention. The aforementioned cover the limitations of claims 1-3, 6-7 and 9-11.

16. Claims 4, 5, 8 and 12-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doherty in view of Schreiber et al. US 6,298,446.

17. As per claims 4, 5 and 8, the rejection of claims 1-3 and 5-11 under 35 USC 103(a) as being anticipated by Doherty is incorporated herein. In addition, Doherty discloses wherein said framework will prevent audio playback from the multimedia component until said components of the compliance mechanism are validated (14:1-6, message information user does not have a valid license, and the steps necessary to acquire a valid license). Doherty does not disclose wherein said kernel level extension comprises: recognizing a kernel level recorder capturing an audio stream; and informing said framework of said kernel level recorder; wherein said framework will disable audio playback from the multimedia component until said components of the compliance mechanism are validated; said compliance mechanism further comprises a bad boy list. Schreiber discloses a system for copyright protection of digital files, including audio files, on an operating system, whereby several techniques are disclosed to block

capture of the digital file. (7:66-8:22; 18:19-24; 32:64-67) Schreiber further discloses means for recognizing capture applications and extensions to determine if an application is about to invoke a capture. (31:12-44; 32:1-58) Moreover, Schreiber discloses compiling a list of capture applications to prevent capture of the digital files. (31:30-47) Such a feature prevents capture of the digital content by an external application. Schreiber, col. 2:53-67; 3:15-17. It would be obvious to one of ordinary skill in the art at the time the invention was made wherein said kernel level extension comprises: recognizing a kernel level recorder capturing an audio stream; and informing said framework of said kernel level recorder; wherein said framework will disable audio playback from the multimedia component until said components of the compliance mechanism are validated; said compliance mechanism further comprises a bad boy list. One would be motivated to do so to prevent capture of the digital content by an external application when the compliance mechanism is not validated as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 4, 5 and 8.

18. As per claims 12-22, Doherty discloses a computer readable medium for storing computer implementable instructions, said instructions for causing a client system to perform a method for preventing unauthorized recording of media content on an operating system comprising: registering a compliance mechanism on a client system having said operating system operating thereon, said compliance mechanism providing stand alone functionality and operation on said client system (col. 10:24-11:20; 14:44-

59; 15:55-20:29, LicMech implemented as Executable DCF or Data DCF), said compliance mechanism comprising:

- h. a framework for validating components of said compliance mechanism on said client system (11:20-35, eLicense is System Locked; 13:59-14:16, "License checks"; 24:37-26:4, "Adaptive Fingerprint Security Mechanism"); a multimedia component opened by said framework, said multimedia component for preventing decryption of media content on said client system if said framework detects an invalid environment (10:37-38; 17:18-23 and lines 55-62; 19:55-20:3); and a kernel level extension providing kernel level driver information to said framework (19:55-67; 23:8-67); preventing output of said media content on said client system having said operating system operating thereon if a portion of said compliance mechanism is invalidated; (14:1-6; 19:62-20:3, intercepts file I/O call by monitoring utility)
- i. wherein said instructions cause said client system to perform said method further comprising: authorizing said client system to receive said media content; (13:66-67)
- j. wherein said kernel level extension matches no physical device (19:55-67);
- k. wherein said framework will prevent audio playback from the multimedia component until said components of the compliance mechanism are validated; (14:1-6, message information user does not have a valid license, and the steps necessary to acquire a valid license)

- l. wherein said framework accesses a network to ensure that said components of the compliance mechanism are up to date; (13:7-15, "DeLMM")
- m. wherein said framework establishes a monitoring thread which maintains a constant search for output devices; (11:21-36 and lines 46-54; 24:37-26:4, Adaptive Fingerprint)
- n. wherein said multimedia component is a media rendering or processing application; (14:60-15:11)
- o. wherein said client system performs said method further comprising: accessing an indicator corresponding to said media content for indicating to said compliance mechanism a usage restriction applicable to said media content; (10:25-38)
- p. wherein said client system performs said method further comprising: altering said compliance mechanism in response to changes in said usage restriction, said usage restriction a copyright restriction or licensing agreement applicable to said media content; (13:10-15; 14:13-23)
- q. wherein said media content is from a source coupled with said client system, wherein said source is from the group consisting of: a network, a personal communication device, a satellite radio feed, a cable television radio input, a set-top box, an media device, a media storage device, a media storage device inserted in a media device player, a media player application, and a media recorder application. (12:35-60, "Distributor System")

Although Doherty does not expressly disclose the type of operating system, it would be obvious to one of ordinary skill in the art for the operating system of Doherty to be one of the Macintosh operating systems available at the time of invention because of the ubiquity of Mac operating systems at the time the invention was made. At the time of invention, Windows operating systems, Mac operating systems and Linux operating systems were the predominate types of Operating systems. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the operating system in Doherty to be any one of the Macintosh operating systems available at the time of invention.

Finally, Doherty does not disclose disabling output of said media content on said client system if a portion of said compliance mechanism is invalidated, wherein said kernel level extension comprises: recognizing a kernel level recorder capturing an audio stream; and informing said framework of said kernel level recorder; wherein the framework will disable audio playback from the multimedia component until said components of the compliance mechanism are validated. Schreiber discloses a system for copyright protection of digital files, including audio files, on a Macintosh operating system, whereby several techniques are disclosed to block capture of the digital file. (7:66-8:22; 18:19-24; 32:64-67) Schreiber further discloses means for recognizing capture applications and extensions to determine if an application is about to invoke a capture. (31:12-44; 32:1-58) Moreover, Schreiber discloses compiling a list of capture applications to prevent capture of the digital files. (31:30-47) Such a feature prevents capture of the digital content by an external application. Schreiber, col. 2:53-67; 3:15-

17. It would be obvious to one of ordinary skill in the art at the time the invention was made to disable output of said media content on said client system if a portion of said compliance mechanism is invalidated, wherein said kernel level extension comprises: recognizing a kernel level recorder capturing an audio stream; and informing said framework of said kernel level recorder; wherein the framework will disable audio playback from the multimedia component until said components of the compliance mechanism are validated. One would be motivated to do so to prevent capture of the digital content by an external application when the compliance mechanism is not validated as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 12-22.

19. As per claims 23-31, Doherty discloses a system for preventing unauthorized recording of media content on an operating system comprising:

- r. a computer storage medium having instructions stored therein, said instructions when executed causing a computer system to perform preventing unauthorized recording of media content on a Macintosh operating system, said instructions comprising:
- s. means for registering a compliance mechanism on a client system having said operating system operating thereon, said compliance mechanism providing stand alone functionality and operation on said client system (col. 10:24-11:20; 14:44-59; 15:55-20:29, LicMech implemented as Executable DCF or Data DCF), said compliance mechanism comprising:

- t. means for validating components of said compliance mechanism on said client system 11:20-35, eLicense is System Locked; 13:59-14:16, "License checks"; 24:37-26:4, "Adaptive Fingerprint Security Mechanism"; means for preventing decryption of media content on said client system if said framework detects an invalid environment; (14:1-6; 19:62-20:3, intercepts file I/O call by monitoring utility) and means for providing kernel level extension information to said framework; and means for preventing output of said media content on said client system having said operating system operating thereon if a portion of said compliance mechanism is invalidated; (14:1-6; 19:62-20:3, intercepts file I/O call by monitoring utility)
- u. means for authorizing said client system to receive said media content; (13:66-67)
- v. wherein the framework further comprises:
 - i. means for preventing audio playback from the multimedia component until said components of the compliance mechanism are validated; (14:1-6; 19:62-20:3, intercepts file I/O call by monitoring utility)
 - ii. means for accessing a network to ensure that said components of the compliance mechanism are up to date; (13:7-15, "DeLMM")
 - iii. means for maintaining a constant search for output devices; (11:21-36 and lines 46-54; 24:37-26:4, Adaptive Fingerprint)

- w. means for accessing an indicator for indicating to said compliance mechanism said usage restriction applicable to said media content, said indicator attached to said media content; (10:25-38)
- x. means for altering said compliance mechanism in response to changes in said usage restriction, said usage restriction a copyright restriction or licensing agreement applicable to said media content; (13:10-15; 14:13-23)
- y. wherein said media content is from a source coupled with said client system, wherein said source is from the group consisting of: a network, a personal communication device, a satellite radio feed, a cable television radio input, a set-top box, an media device, a media storage device, a media storage device inserted in a media device player, a media player application, and a media recorder application. (12:35-60, "Distributor System")

Although Doherty does not expressly disclose the type of operating system, it would be obvious to one of ordinary skill in the art for the operating system of Doherty to be one of the Macintosh operating systems available at the time of invention because of the ubiquity of Mac operating systems at the time the invention was made. At the time of invention, Windows operating systems, Mac operating systems and Linux operating systems were the predominate types of Operating systems. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the operating system in Doherty to be any one of the Macintosh operating systems available at the time of invention.

Finally, Doherty does not disclose means for disabling output of said media content on said client system if a portion of said compliance mechanism is invalidated, wherein said kernel level extension comprises: recognizing a kernel level recorder capturing an audio stream; and informing said framework of said kernel level recorder; means for disabling audio playback from the multimedia component until said components of the compliance mechanism are validated. Schreiber discloses a system for copyright protection of digital files, including audio files, on a Macintosh operating system, whereby several techniques are disclosed to block capture of the digital file. (7:66-8:22; 18:19-24; 32:64-67) Schreiber further discloses means for recognizing capture applications and extensions to determine if an application is about to invoke a capture. (31:12-44; 32:1-58) Moreover, Schreiber discloses compiling a list of capture applications to prevent capture of the digital files. (31:30-47) Such a feature prevents capture of the digital content by an external application. Schreiber, col. 2:53-67; 3:15-17. It would be obvious to one of ordinary skill in the art at the time the invention was made to incorporate means for disable output of said media content on said client system if a portion of said compliance mechanism is invalidated, wherein said kernel level extension comprises: recognizing a kernel level recorder capturing an audio stream; and informing said framework of said kernel level recorder; means for disabling audio playback from the multimedia component until said components of the compliance mechanism are validated. One would be motivated to do so to prevent capture of the digital content by an external application when the compliance

mechanism is not validated as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 23-31.

20. Claims 1-7 and 9-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doherty in view of Pastorelli US 20040133801 (hereinafter Pastorelli).

21. As per claims 23-31, Doherty discloses a system for preventing unauthorized recording of media content on an operating system comprising: means for registering a compliance mechanism on a client system having said operating system operating thereon, said compliance mechanism providing stand alone functionality and operation on said client system (col. 10:24-11:20; 14:44-59; 15:55-20:29, LicMech implemented as Executable DCF or Data DCF), said compliance mechanism comprising:

z. means for validating components of said compliance mechanism on said client system 11:20-35, eLicense is System Locked; 13:59-14:16, "License checks"; 24:37-26:4, "Adaptive Fingerprint Security Mechanism"; means for preventing decryption of media content on said client system if said framework detects an invalid environment; (14:1-6; 19:62-20:3, intercepts file I/O call by monitoring utility) and means for providing kernel level extension information to said framework; and means for preventing output of said media content on said client system having said operating system operating thereon if a portion of said compliance mechanism is invalidated; (14:1-6; 19:62-20:3, intercepts file I/O call by monitoring utility)

- aa. means for authorizing said client system to receive said media content;
(13:66-67)
- bb. wherein the framework further comprises:
 - iv. means for preventing audio playback from the multimedia component until said components of the compliance mechanism are validated; (14:1-6; 19:62-20:3, intercepts file I/O call by monitoring utility)
 - v. means for accessing a network to ensure that said components of the compliance mechanism are up to date; (13:7-15, "DeLMM")
 - vi. means for maintaining a constant search for output devices; (11:21-36 and lines 46-54; 24:37-26:4, Adaptive Fingerprint)
- cc. means for accessing an indicator for indicating to said compliance mechanism said usage restriction applicable to said media content, said indicator attached to said media content; (10:25-38)
- dd. means for altering said compliance mechanism in response to changes in said usage restriction, said usage restriction a copyright restriction or licensing agreement applicable to said media content; (13:10-15; 14:13-23)
- ee. wherein said media content is from a source coupled with said client system, wherein said source is from the group consisting of: a network, a personal communication device, a satellite radio feed, a cable television radio input, a set-top box, an media device, a media storage device, a media storage device inserted in a media device player, a media player application, and a media recorder application. (12:35-60, "Distributor System")

Although Doherty does not expressly disclose the type of operating system, it would be obvious to one of ordinary skill in the art for the operating system of Doherty to be one of the Macintosh operating systems available at the time of invention because of the ubiquity of Mac operating systems at the time the invention was made. At the time of invention, Windows operating systems, Mac operating systems and Linux operating systems were the predominate types of Operating systems. Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the operating system in Doherty to be any one of the Macintosh operating systems available at the time of invention.

Finally, Doherty does not disclose means for disabling output of said media content on said client system if a portion of said compliance mechanism is invalidated, wherein said kernel level extension comprises: recognizing a kernel level recorder capturing an audio stream; and informing said framework of said kernel level recorder; means for disabling audio playback from the multimedia component until said components of the compliance mechanism are validated. Pastorelli discloses a system for controlling use of digitally encoded products, including a compliance mechanism, wherein the compliance mechanism provides stand alone functionality and operation on a client system (paragraph 58), whereby an agent detects any new process to request a program; the agent verifies whether execution of the program would comply with authorized conditions of use, including whether the execution environment meets the authorized one, and if it does not, then disabling the start of the process. (Paragraphs 32-37) Pastorelli discloses that one advantage of this system is that it enables

controlled usage of a variety of products. Paragraphs 7 and 8. It would be obvious to one of ordinary skill in the art at the time the invention was made to incorporate means for disable output of said media content on said client system if a portion of said compliance mechanism is invalidated, wherein said kernel level extension comprises: recognizing a kernel level recorder capturing an audio stream; and informing said framework of said kernel level recorder; means for disabling audio playback from the multimedia component until said components of the compliance mechanism are validated. One would be motivated to do so to enable controlled usage of a variety of products as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 23-31.

22. As per claims 1-7 and 9-11, they are claims corresponding to claims 23-31, and they do not teach or define above the information claimed in claims 23-31. Therefore, claims 1-7 and 9-11 are rejected as being unpatentable over Doherty in view of Pastorelli for the same reasons set forth in the rejections of claims 23-31.

23. As per claims 12-22, they are claims corresponding to claims 23-31, and they do not teach or define above the information claimed in claims 23-31. Therefore, claims 12-22 are rejected as being unpatentable over Doherty in view of Pastorelli for the same reasons set forth in the rejections of claims 23-31.

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNG KIM whose telephone number is (571)272-3804. The examiner can normally be reached on FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jung Kim/

Primary Examiner, AU 2432